

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Willie Troy Price, Sr., #200501013,)	
)	C/A No.: 3:05-1403-MBS
Plaintiff,)	
)	
vs.)	
)	
Anderson County Detention Center;)	ORDER
Joey Preston, Anderson County)	
Administrator,)	
)	
Defendants.)	
)	

Plaintiff Willie Troy Price, Sr. is a pretrial detainee currently being held at the Anderson County Detention Center in Anderson, South Carolina. Plaintiff, appearing pro se, contends that he was being denied adequate medical care for headaches. The complaint has been construed as brought pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On May 23, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be summarily dismissed without prejudice because (1) the Anderson County Detention Center is not a “person” subject to suit under § 1983; and (2) Defendant Preston, as County Administrator, is not responsible for the day-to-day operation of the Anderson County Detention Center and, as a result, is not directly responsible for the alleged denial of medication. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. For the reasons stated, the case is dismissed *without prejudice* and without issuance and service of process

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

June 20, 2005

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.